IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1881 of 2006

Shri Sambhaji Pandurang Desai — Petitioner
Vs.
The Manager, Palus Sahakari
Bank Ltd. & ors. — Respondents

Mr.R.V.More for petitioner.
Mrs.M.A.Rege for resp.nos.1 & 2 - absent.

CORAM: B.H.MARLAPALLE,J.

June 28, 2006.

P.C.

. Heard Mr.More, the learned counsel for the petitioner who instituted Regular Civil Suit No.13 of 2005 before the learned Civil Judge, Senior Division at Islampur for a declaration that the premises occupied by him as a tenant (Municipal House No.2379, Islampur, Tal.Walwa, Dist. Sangli) cannot be attached at the instance of the respondent - Bank by taking recourse to the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

. In the said Suit an application at Exhibit 5 for temporary injunction was filed and the same was rejected by the trial Court on 8/11/2005. This order was carried in Misc.Civil Appeal No.34 of 2005 which

has been dismissed by the learned Addl. District Judge at Islampur on 10/2/2006 and hence this petition. Without recording any opinion regarding the maintainability of the civil suit and as rendered by the Judge of the lower Appellate Court, this petition fails even on the ground of prima facie case. In Regular Civil Suit No.414 of 2003 instituted by the present petitioner the very same defendants were also impleaded as defendant nos.1, 2, 4 and 5 and in the same, relief of perpetual injunction was sought against defendant nos.1 and 2 from disposing off the property by sale or otherwise as well as from taking possession of the property. The lower Appellate Court noted that the very same relief was reiterated in Regular Civil Suit No.13 of 2005 as well. In the face of these observations, there is no reason to interfere with the impugned order in exercise of supervisory powers under Article 227 of the Constitution.

. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)